

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ANTHONY DAVIS,	:	
	:	
Petitioner,	:	Civ. No. 21-2174 (NLH)
	:	
v.	:	MEMORANDUM OPINION & ORDER
	:	
DAVID E. ORTIZ,	:	
	:	
Respondent.	:	

APPEARANCE:

Anthony Davis
68592-054
Fort Dix Federal Correctional Institution
P.O. Box 2000
Joint Base MDL, NJ 08640

Petitioner Pro se

Philip R. Sellinger, United States Attorney
Kristin Lynn Vassallo, Assistant U.S. Attorney
United States Attorney's Office for the District of New Jersey
970 Broad Street
Newark, NJ 07102

Attorneys for Respondent

HILLMAN, District Judge

WHEREAS, Petitioner Anthony Davis filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, see ECF No. 1; and

WHEREAS, Petitioner seeks application of Time Credits earned under the First Step Act, which may lead to earlier

release to a residential reentry center, home confinement or supervised release. The Court takes judicial notice of the Federal Bureau of Prison's final rule interpreting how and when federal prisoners earn Time Credits under the First Step Act by successfully participating in recidivism risk programming and productive activities, pursuant to 18 U.S.C. § 3624(g), available at https://www.bop.gov/inmates/fsa/docs/bop_fsa_rule.pdf (pending publication in the Federal Register) (last visited Feb. 24, 2022); and

WHEREAS, Respondent is ordered to supplement its answer with the effect this new rule has on Petitioner's claim, if any, or whether the petition is moot. Petitioner shall have the opportunity to respond,

THEREFORE, IT IS on this 3rd day of March, 2022

ORDERED that Respondent shall file a supplemental brief, within 30 days of the date of entry of this Order, calculating Petitioner's Time Credits consistent with the BOP's new final rule and addressing the issue of mootness of the petition; and it is further

ORDERED that Petitioner may file a supplemental brief in response within 30 days of the date of the filing of Respondent's supplemental brief; and it is finally

ORDERED that the Clerk shall send Petitioner a copy of this Order by regular mail.

At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.